

“Mandamus is an extraordinary remedy that can only be granted where a legal duty is positively commanded and so plainly prescribed as to be free from doubt.”

Appalachian States Low-Level Radioactive Waste Comm’n v. O’Leary, 93 F.3d 103, 112 (3d Cir 1996). “Writs of mandamus are extraordinary forms of relief, are seldom issued and are discouraged.” *In re Palemaude*, 210 F.3d 135 (3d Cir. 2000) (citations omitted).

Bureau of Prisons personnel have no duty to transfer a prisoner to a different facility. Prisoners have no inherent constitutional right to placement in any particular prison. *See Olin v. Wakinekona*, 461 U.S. 238, 245 (1983). Since inmates have no legal right to a particular prison placement, Petitioner Williams, who seeks to compel a prison transfer through a writ of mandamus, cannot prevail.

Accordingly, the court will adopt the report and recommendation of the magistrate judge. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: January 13, 2011.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LARRY SINCLAIR WILLIAMS,

Petitioner

v.

**UNITED STATES OF AMERICA,
*et al.,***

Respondents

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CIVIL NO. 1:10-CV-2350

(Judge Rambo)

(Magistrate Judge Carlson)

ORDER

In accordance with the accompanying memorandum, **IT IS HEREBY
ORDERED THAT:**

- 1) The court adopts the report and recommendation of Magistrate Judge Carlson.
- 2) Plaintiff is granted leave to proceed *in forma pauperis*.
- 3) The complaint is dismissed for failure to state a claim.
- 4) Any appeal from this order will be deemed frivolous and not taken in good faith.
- 5) The Clerk of Court shall close the file.

s/Sylvia H. Rambo
United States District Judge

Dated: January 13, 2011.